REMARKS

This Amendment is fully responsive to the non-final Office Action dated May 22, 2009, issued in connection with the above-identified application. Claims 1-3, 5-10 and 12-19 are pending in the present application. With this Amendment, claims 1, 8 and 15 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 1-3, 7-10, 14-16 and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable Hellhake (U.S. Patent No. 5,877,755, hereafter "Hellhake") in view of Siann (U.S. Publication No. 2003/0120541, hereafter "Siann"). The Applicants have amended independent claims 1, 8 and 15 to help further distinguish the present invention from the cited prior art. Independent claim 1 (as amended) recites the following features:

"[a] non-storage type broadcasting system for providing one or more services composed of a content in real-time for viewing by a user and providing a user interface unique to each service, the system comprising:

a transmission means for sending out a control content, which implements the user interface, as a part or a whole of a content;

a reception means for receiving the sent content;

a storing means for storing, among the content received by the reception means, only the control content in a predefined storage; and

an execution means for activating the stored control content and executing the user interface,

wherein said transmission means includes:

a content header addition means for adding, to the content, a content header which includes information indicating whether the content is the control content or not; and

a content transmission means for sending out the control content and the content, both of which are in the same format." (Emphasis added).

One or more of the features emphasized above in independent claim 1 are similarly recited in independent claims 8 and 15 (as amended). Additionally, the features

emphasized above in independent claim 1 (and similarly recited in independent claims 8 and 15) are fully supported by the Applicants' disclosure (see e.g., Fig. 7).

In the present invention, a content header defines details of content. Additionally, a browser (control content) and the content (service content) are transmitted, but are distinguished from each other (see Fig. 6, corresponding to browser content flag Bflg). That is, the "content header" is limited to information indicating whether the "details of the content" is the "service content" or the "control content" (i.e., information indicating whether the content is the control content or not).

The present invention (as recited in independent claims 1, 8 and 15) is distinguishable from the cited prior art in that a storage means (or step) stores a browser content in the storage 133 while not storing the content itself, wherein an execution means (or step) activates the stored control content and executes the user interface (see Fig. 7). Additionally, the "content header" is limited to information indicating whether the "details of the content" is the "service content" or the "control content."

In the Office Action, the Examiner relies on Hellhake in view of Siann for disclosing or suggesting all the features recited in independent claims 1, 8 and 15. However, the Applicants assert that Hellhake in view of Siann fails to disclose or suggest all the features now recited respectively in independent claims 1, 8 and 15 (as amended). More specifically, the cited prior art fails to disclose or suggest at least storing only the browser, among the content and the browser which are transmitted; and a content header that is limited to information indicating whether the "details of the content" is a service content or the control content, as in the present invention (as recited in independent claims 1, 8 and 15).

In the Office Action, the Examiner considers the "control elements" in Hallhake as corresponding to the control content of the present invention. Specifically, the Examiner argues that the "content and control data elements" in Hallhake are contained in the same file, and thus are sent in the same format. However, the "control elements" in Hellhake are different from the "user interface (control content)" of the present invention. This difference is clearly apparent from the sections of Hellhake noted below.

Hallhake at column 4, line 21 states that "[t]he data files are displayed ……based upon

specific control elements," and in column 4, line 45 Hallhake states that "[t]he program control elements……provide the program application with the instructions...." Thus, the "control elements" in Hallhake are merely to "provide instructions" to the application. Hellhake in column 5, line 65 states the control element ".... instructs the CPE to perform ... program application load ...," which also clearly describes giving instructions.

Hellhake further states that "[t]he program application data file and the content data files are transmitted to the CPE via a broadcast signal." Thus, the program application data file and the content data files are treated as separate items, and are clearly distinguished from each other for transmission. Therefore, both items (i.e., program application data file and the content data files) are not transmitted as "content," as in the present invention.

Additionally, the "control elements" in Hallhake do not perform a displaying process alone. In Hallhake, displaying or the like is conducted only by "the program application"; and "the program application" conducts the displaying process by, for example, acquiring the "control elements" within a data file as parameters.

Thus, the "program application" in Hallhake does not correspond to the "user interface" of the present invention, and in Fig. 5 of Hallhake, the "program application" and the "contents" are transmitted separately (e.g., as indicated by the third and second arrows from the bottom in Fig. 5 of Hallhake). Moreover, Hallhake is silent with regard to storing only a browser, among the content and the browser which are transmitted.

Based on the above discussion, Hallhake is clearly distinguished from the present invention (as recited in independent claims 1, 8 and 15). Moreover, Siann fails to overcome the deficiencies noted above in Hallhake.

The "content header" in Siann is information that indicates a type of electronic media such as video or music. The electronic media disclosed in Siann corresponds to "service content." Thus, the "content header" in Siann includes information indicating the substance of the "service content," so the qualitative and technical meaning of the information (i.e., in the content header) in Siann is different from information indicating whether content is a "service content" or the "control content," as in the present invention. Additionally, Siann is also silent with regard to storing only a browser, among the content and the browser which are transmitted

(as recited in independent claims 1, 8 and 15).

Based on the above discussion, no combination of Hallhake and Siann would result in, or otherwise render obvious, independent claims 1, 8 and 15 (as amended). Additionally, no combination of Hallhake and Siann would result in, or otherwise render obvious, claims 2, 3, 7, 9, 10, 14, 16 and 19 at least by virtue of their respective dependencies from independent claims 1, 8 and 15.

In the Office Action, claims 5, 6, 12, 13, 17 and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hellhake in view of Siann and Markandey (U.S. Patent No. 6,526,144, hereafter " Markandey").

Claims 5 and 6 depend from independent claim 1; claims 12 and 13 depend from independent claim 8; and claims 17 and 18 depend from independent claim 15. As noted above, Hellhake in view of Siann fails to disclose or suggest all the features recited in independent claims 1, 8 and 15. Moreover, Markandey fails to overcome the deficiencies noted above in Hellhake in view of Siann.

Accordingly, no combination of Hellhake, Siann and Markandy would result in, or otherwise render obvious, claims 5, 6, 12, 13, 17 and 18 at least by virtue of their respective dependencies from independent claims 1, 8 and 15.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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